

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2246 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

DINESHCHANDRA H NAIK

Versus

G E B

Appearance:

None present for Petitioner

MS MAYA DESAI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/09/1999

ORAL JUDGEMENT

#. The matter was called out for hearing in the first round, then in the second round and lastly in the third round, but none put appearance on behalf of the petitioner. This matter was kept for dictation of order today. Perused the Special Civil Application and heard the learned counsel for respondents.

#. In this writ petition, the petitioner is praying for the following main reliefs:

(a) Be pleased to admit this petition;

(b) Be pleased to quash and set aside the action of the respondents in not paying the retirement dues of the petitioner and not accepting the resignation of the petitioner, by issuing a writ of mandamus and/or any other appropriate writ, direction or order under Article 226 of the Constitution of India;

(c) Be pleased to direct the respondents to accept the resignation of the petitioner with effect from 20.6.88 and to pay all his legitimate dues, by issuing a writ of mandamus and/or any other appropriate writ, direction or order under Article 226 of the Constitution of India;

#. On the record of this Special Civil Application, the learned counsel for the respondents produced a xerox copy of the order of Superintending Engineer, Mahesana, dated 16th November, 1998, under which the resignation of the petitioner from services has been accepted and he has been given contributory provident fund amount of Rs.1,42,582/= and interest at the rate of 12%. She further states that in view of this order now nothing substantial survives in this Special Civil Application.

#. After going through the prayer made by petitioner in this Special Civil Application and this order of respondents, I am satisfied that now nothing survives in the Special Civil Application and the same is dismissed as having become infructuous. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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[sunil]